

CRR 4108 of 2009

In the matter of : Suraiya Bibi

Mr. Bidyut Kumar Roy
Ms. Sima Biswas
..... for the State

None is appearing on behalf of the petitioner.

Perused the report submitted by Mr. B. K. Roy, learned counsel representing the State, and it is taken on record.

The petitioner Suraiya Bibi filed this application under Section 407 of the Code of Criminal Procedure seeking transfer of the proceeding pending before the learned ACJM, Kalyani to the jurisdictional Magistrate, Diamond Harbour for disposal. The petition was filed way back in 2009. I do not find any reason to adjourn the matter suo motu. Rather, I am inclined to dispose of the application based on materials available with the record and the report submitted by the State.

From the attending facts of the case it appears that the petitioner Suraiya Bibi gave an information in writing about her plight during her stay in her matrimonial home, being tortured by her husband and other inmates. The Officer-in-charge of the jurisdictional Police Station registered a case being Kalyani Police Station case No. 541

of 2009 dated 13th October, 2009 under Sections 498A/494/34 of the I.P.C., thereafter took up investigation and submitted charge sheet being Kalyani P.S. charge sheet No. 465/12 dated 30th June, 2012 under Sections 498A/34 of the I.P.C. against four accused persons but the accused persons are still at large since June, 2012. Their presence could not be secured by the learned Trial Court. It is alleged that the petitioner since after lodging the complaint with the Police Station is being intimidated by the accused persons with dire consequences. She has been staying at Mandir Bazar, South 24 Parganas within the jurisdiction of learned Additional Chief Judicial Magistrate, Diamond Harbour. In the interest of fair trial I am inclined to allow the petition. Learned A.C.J.M., Kalyani is directed to transfer the case being Kalyani P.S. case No. 541 of 2009 to the Court of learned Additional Chief Judicial Magistrate, Diamond Harbour. Learned Additional Chief Judicial Magistrate, Diamond Harbour is directed to admit the case to his file and shall dispose of the same according to law as expeditiously as possible.

The revisional application is disposed of.

Copy of the order sheet be sent to leaned Additional Chief Judicial Magistrate, Kalyani, Nadia and learned Additional Chief Judicial Magistrate, Diamond Harbour, 24-Parganas (South) for information and necessary action.

(Siddhartha Roy Chowdhury, J.)

